Andover Conservation Commission Meeting Minutes August 16, 2011

Town of Andover 36 Bartlett Street 3rd Floor Conference Room 7:45pm

Conservation Members in Attendance:

Chairman Donald Cooper, Vice Chairman Michael Walsh, Commissioner Frank Fink, Commissioner Kevin Porter, Commissioner Jon Honea and Commissioner Floyd Greenwood. Staff Members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

Mass DOT Highway Division I-93 North of Dascomb Road Present in Interest: Andrea Norton

Staff Recommendation: Approve

Public Meeting on the Request for Determination of Applicability filed for the proposed drainage maintenance work at various locations at I-93/Exit 42 Ramps-North of Dascomb Road is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. There are 8 different locations that are "dammed up" due to beaver activity. The work will start near Dascomb Road and then move northward toward exit 43. The work will consist of jetting the blockage to slowly release the debris and water. If that does not work, then they will "roto rooter" then reestablish the drainage ditch and put a cage around the headwalls.

Chairman Cooper asked how soon the beavers would be back? The project will be successful for only about a year or two before it becomes blocked again.

Commissioner Porter inquired as to where the debris will be placed? There are 2 ways to dispose of the debris, it can be hauled away or placed on the banks. There was also concern about the sudden release of water scouring down stream. That is why the project will begin on the southern end to prevent the quick release of water.

An excavator with a 20 foot arm will be used to clean out the drainage ditch. Andrea from Mass DOT agreed to the condition that no vehicles will be allowed in the wetlands. There will be a 6 month scheduled maintenance to "follow SOP for regular inspections".

The following conditions to be added:

- 1. All debris to be removed from the sites:
- 2. There will be a gradual release of water as not to cause scouring or flooding;
- 3. Rubber wheeled excavator with 20 foot arm to be used to clean out the drainage ditch, or work to be done on foot.
- 4. Follow SOP for inspections with 48 hour notice to Mr. Douglas.

Chairman Cooper asked for a Motion. Vice Chairman Walsh made a Motion to Approve with added conditions, it was seconded by Commissioner Greenwood and unanimously approved.

199 Salem Street

Present in Interest: Jack MacQuilken

Staff Recommendation: Approve as Pos.2a confirming wetland flags 2A through 9A inclusive; Neg.3 with conditions; and Neg.6 not subject to the By-Law.

Public Meeting on the Request for Determination of Applicability filed to determine the accuracy of the boundaries of resource areas and to determine if the proposed construction of an addition is subject to the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law.

Agent Cleary presented this to the Commission. The filing is complete and under the WPA only. No waivers have been requested. This is a "Backyard Project". The proposed addition is on existing lawn area. The wooden footbridge is old and does not appear to be causing any negligible effects to the bank of BVW. Erosion control does not need to be lengthened but should "loop up" towards the house at Flag 7A. There is a hifunctioning BVW with intermittent stream located between the beginning of Salem Street and Route 125. BVW is located mostly at the edge of lawn. There is a gravel area where the pool had been placed, which will become lawn. Staff recommends a 15 foot buffer, however the Applicant prefers a 5 foot buffer. Chairman Cooper agreed that a 5 foot buffer is fine. The Applicant will agree in the field for markers to be placed. The plan should show the gravel area will become lawn.

Chairman Cooper asked for a Motion. Vice Chairman Walsh made a Motion to Approve as Pos.2a, confirming wetland flags 2A through 9A inclusive; Neg.3 and Neg.6 with conditions, it was seconded by Commissioner Honea and unanimously approved.

30 & 40 Shattuck Road

Present in Interest: Brian Sweat and Susan Mohn

Staff Recommendations: Continue to September 5, 2011 meeting.

Continued Public Hearing on the Abbreviated Notice of Resource Area Delineation filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetland Protection By-Law, to confirm the delineation of an intermittent stream and associated resource area.

Mr. Douglas presented this to the Commission. This was continued from July 19, 2011 to allow the check to clear DEP and address abutter's concerns. DEP has issued a number, but has not issued Comments. 40 Shattuck Road is existing under a 1997 Order of Conditions and 30 Shattuck Road was approved under the same Order of Conditions, but never built. There is an intermittent stream along Shattuck Road that is 4 feet wide. This has been previously delineated and recently redelineated for this determination. It is currently being maintained in accordance with the 1997 Order of Conditions. Commissioner Greenwood asked if the delineation has changed since 1997. The new delineation is done and flagged correctly, so no site walk is necessary. Chairman Cooper suggested the Commission move this Public Hearing along to free up the schedule since the Commission is confident with the delineation.

Chairman Cooper asked for a Motion. Vice Chairman Walsh made a Motion to close the public hearing and approve as discussed, it was seconded by Commissioner Porter and unanimously approved.

Bancroft School

15 Bancroft Road

Present In Interest: Mark Johnson, Lorraine Finnegan, James Warren, Florence Robidoux and Richard Robidoux, Tom Williams, Tom and Jen Bosher and Dana Willis

Staff Recommendation: Close the Public Hearing and Issue the Order of Conditions

Continued Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law, for the proposed construction of a new 106,486 square foot elementary school including parking, driveways, ball fields, utilities, stormwater management and miscellaneous site improvements.

Mr. Douglas presented this to the Commission. This was continued from August 2, 2011 for Commissioner Fink to Mullinize herself, as have Chairman Cooper, Vice Chairman Walsh and Commissioner Honea. The remaining issues to be addressed are transpiration, and order the replication will be built in.

Commissioner Porter is concerned that the removal of a mature forest behind the school will effect the groundwater levels and that the vegetation replaced by the fields do not work as well as thirty large pine trees which will be removed. James Warren addressed this concern. The runoff curve for a matured wooded area is 74 and the runoff curve for a manicured lawn is 70, which is a very small decrease. These figures have been built into the stormwater calculations under Root Uptake. Pine trees have a shallow root system so they do not absorb much ground water. To conduct an independent evaluation for transpiration would be a long and difficult process. There is not a standard regulation stating that a transpiration evaluation be done. The Applicant is using standard engineering practice regarding transpiration.

The ball fields will have an under field drainage system that allows the upper level of the field to drain quickly to become playable sooner. The recharge systems for the building uses a subsurface with overflow then into the drainage system with an outlet onto Bancroft Road.

Commissioner Fink asked about the soil testing that was conducted to determine the ground water level in the replication area. Soil tests were done close to the replication area, but not in it. Commissioner Fink recommended soil testing be done to make sure ground water level is within 12 inches and adjust grading accordingly. She also recommended that construction of the replication area be done during Phase I of the contruction, not Phase II. James Warren advised that the road needed to be completed to do the replication area. Commissioner Fink recommended that the replication area be completed by June 15, 2012 unless modified by the Commission.

The Applicant requested to use their own expert to report to the Commission instead of using the Commission's inspector. Chairman Cooper is not in favor of "self reporting" and the Commission will use their own inspector.

The following changes were made to the Special Conditions:

- 1. Wetland Replication Area Paragraph 2 the word monitoring will be removed and replaced with overseeing.
- 2. Wetland Replication Area Paragraph 3 the word Monitor will be removed and will be replaced with Overseer. A subparagraph 3a. will be added stating as follows: Soil testing to be done prior to construction in the Replication Area to determine the water table.
- 3. Wetland Replication Area Paragraph 8 will be added as follows: Replication Area to be planted and graded by June 15, 2012 unless modified by the Commission.
- 4. Final Approved Plan and Other Documents will have the additional language as follows: Supplemental Information Package #2 from SMMA, James Warren dated July 26, 2011.
- 5. 25 Foot Permanent Buffer Strip Protected language to be added that the new playing fields to right up to the wetland as does the road and there is no room for the 25 foot non-disturb buffer. Wetland and BVW replication area will have markers placed with spacers if needed to mark the boundaries.

Timing of reports was discussed as well. It was agreed that the reports will be performance driven. Inspections will take place once a week for 12 weeks and if everything is up to our regulations, then inspections will take place every other week then monthly as long as the project is progressing with our regulations. Staff provided the Applicant with our standard fee inspection sheet.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to close the public hearing and issue the Order of Conditions with the changes discussed, it was seconded by Commission Honea and approved. Vice Chairman Walsh abstained.

ACTION ITEMS:

12 Messina Drive

Staff Recommendation: Approve

Issuance of an Order of Conditions. Revised plan referenced depicts Riverfront and erosion control outside the 25 foot non-disturb. Commissioner Fink inquired about bounds being installed. The Applicant does not want bounds installed because they are giving such a large buffer. Ms. Cleary agreed to speak with the Applicant about installing 7 markers.

Commissioner Porter made a Motion to issue the Order of Conditions with the erosion control changed and staff to inquire about the installation of bounds, it was seconded by Commissioner Fink and unanimously approved.

River Street - Victoria Place Subdivision

Staff Recommendation: Continue

Issuance of Enforcement Order.

Tabled.

Foster's Pond Reservation Present in Interest: John Andon

Staff Recommendation: Approve

Proposed construction of a replacement bridge on Foster's Pond Reservation as an Eagle Scout project. The project will replace an existing rotted bridge going from the peninsula to the island. The exiting stone pilings will be used and the new bridge will be placed on top of them about a foot above water level to protect it from high water.

Commissioner Greenwood made a Motion to Approve, it was seconded by Commissioner Honea and approved.

The Temple 13-17 Boutwell Road

Staff Recommendation: Approve cessation

Request for Temporary Cessation of Reporting.

Vice Chairman Walsh made a Motion to Approve temporary cessation of reporting, it was seconded by Commissioner Porter and approved. Commissioner Fink abastained.

4 Willoughby Lane

Staff Recommendation: Approve cessation

Request for Temporary Cessation of Reporting.

Commissioner Porter made a Motion to Approve temporary cessation of reporting, it was seconded by Commissioner Greenwood and unanimously approved.

CONSENT AGENDA:

6 Regency Ridge

Issuance of a Certification of Compliance.

No action taken. Request withdrawn.

9 Ballardvale Road

Issuance of a Certificate of Compliance. There were extensive changes from the Order of Conditions issued. Recommend a site visit by at least 1 Commissioner.

Tabled.

22 Spring Grove Road

Issuance of a Satisfactory Completion of Work Certificate.

Vice Chairman Walsh made a Motion to Approve, it was seconded by Commissioner Honea and approved. Commissioner Fink abstained.

INFORMATION ITEMS THAT MAY NEED A VOTE:

Change to Boilerplate Storm Event Language

Vote to change boiler plate language under Special Condition entitled "CONSTRUCTION OVERVIEW BY DESIGN ENGINEER/REPORTS" from "Such fees shall be an estimate of inspections which shall take place during once every 7 calendar days and within 24 hours of the end of a 2-year storm event or greater (i.e. 3.2 inches of rainfall within a twenty-four hour period), throughout the duration of the project". To "Such fees shall be an estimate of inspections which shall take place during once every 7 calendar days and within 24 hours of the end of a storm event having ½ inch of rainfall or greater within a twenty-four hour period, throughout the duration of the project.

Vice Chairman Walsh made a Motion to Approve, it was seconded by Commissioner Porter and unanimously approved.

Pre-Construction Checklist

Vote to accept a Pre-Construction Checklist for Commission's Appointed Inspectors/Site Monitors.

Vice Chairman Walsh made a Motion to Approve, it was seconded by Commissioner Porter and unanimously approved.

Site Walks for Ballardvale and Shattuck

Site walk for Ballardvale Commissioners Greenwood and Porter will go with Bob and Linda. No site walk needed for Shattuck.

Site Walk DEP

Site walk for Taylor Cove with DEP's Heidi Davis on September 13, 2011.

Possibility of Moving Sept. 20th meeting.

Meeting moved to September 21st.

The next meeting will be held at 7:45pm on September 6, 2011.

The meeting was adjourned at 10:15pm by Motion of Vice Chairman Walsh, seconded by Commissioner Honea and unanimously approved.

Respectfully submitted by,

Lynn Viselli, Recording Secretary